



PTO/SB/21 (08-03)

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|---|----------------------|------------------------|--------------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/694,928             |              |
|   | Filing Date          | October 27, 2003       |              |
|   | First Named Inventor | Ian Andrew MAXWELL     |              |
|   | Art Unit             | Not Yet Assigned       |              |
|   | Examiner Name        | Not Yet Assigned       |              |
| Total Number of Pages in This Submission  | 33                   | Attorney Docket Number | 304122000600 |

**ENCLOSURES (Check all that apply)**

|  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement (3 pages)<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>1. Form PTO-1449 (1 page) citing 12 references<br>2. Copy of co-pending application (28 pages)<br>3. Return Receipt Postcard |
| <b>Remarks</b>   |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |  |       |
|-------------------------|--|-------|
| Firm or Individual name | MORRISON & FOERSTER LLP<br>Bryan H. Wyman - 48,049 | 25226 |
| Signature               |  |       |
| Date                    | December 30, 2003                                  |       |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 30, 2003

Signature:

(Darci Sakamoto)



PATENT  
Docket No. 304122000600  
Client Reference: 40639USP00

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

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*Darci Sakamoto*

Darci Sakamoto

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Ian Andrew MAXWELL et al.

Serial No.: 10/694,928

Filing Date: October 27, 2003

For: PLANAR WAVEGUIDE WITH  
PATTERNED CLADDING AND  
METHOD FOR PRODUCING SAME

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. The Examiner is requested to make these documents of record.

Applicants would like to draw the Examiner's attention to the co-pending application (copy attached) listed below:

Application Serial No.: 10/308,562 by C. Zha et al., filed December 2, 2002.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

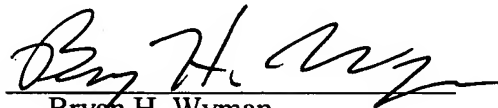
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 304122000600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 30, 2003

Respectfully submitted,

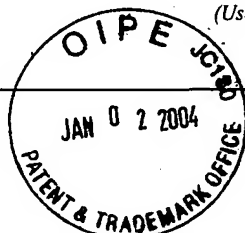
By:



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|  |   |                                 |
|--|---|---------------------------------|
| <b>Form PTO-1449</b><br><b>INFORMATION DISCLOSURE CITATION</b><br><b>IN AN APPLICATION</b><br><i>(Use several sheets if necessary)</i> | Docket Number 304122000600              | Application Number 10/694,928   |
|  | Applicants<br>Ian Andrew MAXWELL et al. |                                 |
|  | Filing Date October 27, 2003            | Group Art Unit Not Yet Assigned |
|  | Mailing Date December 30, 2003          |                                 |



## U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date       | Document No. | Name              | Class | Subclass | Filing Date If Appropriate |
|-------------------|----------|------------|--------------|-------------------|-------|----------|----------------------------|
|                   | 1.       | 04/21/1981 | 4,262,996    | Yao               |       |          |                            |
|                   | 2.       | 01/11/1983 | 4,367,916    | Mottier et al.    |       |          |                            |
|                   | 3.       | 04/03/1984 | 4,440,468    | Auracher et al.   |       |          |                            |
|                   | 4.       | 05/01/1984 | 4,445,759    | Valette           |       |          |                            |
|                   | 5.       | 10/04/1994 | 5,352,566    | Springer et al.   |       |          |                            |
|                   | 6.       | 07/11/1995 | 5,432,877    | Sun et al.        |       |          |                            |
|                   | 7.       | 02/17/1998 | 5,719,973    | Monroe et al.     |       |          |                            |
|                   | 8.       | 12/15/1998 | 5,850,498    | Shacklette et al. |       |          |                            |
|                   | 9.       | 03/14/2000 | 6,037,105    | You et al.        |       |          |                            |
|                   | 10.      | 07/03/2001 | 6,256,441    | Ogawa             |       |          |                            |
|                   | 11.      | 01/22/2002 | 6,341,189    | Deacon            |       |          |                            |
|                   | 12.      | 04/29/2003 | 6,555,288    | Xu et al          |       |          |                            |

## FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|-------------------|----------|------|--------------|---------|-------|----------|--------------------|
|                   |          |      |              |         |       |          |                    |

OTHER DOCUMENTS *(including author, title, date Pertinent pages, etc)*

| Ref. No. | Title |
|----------|-------|
|          |       |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.